REMARKS

In response to the Office Action dated June 6, 2006, claims 1-4 have been amended. Claims 1-4 are now active in this application. No new matter has been added.

Claims 1-4 have been amended to delete "characterized by" for better form, and claim 1 has been amended to change "the transmission origin storage system" to "the transmission origin storage means".

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

Claims 1-4 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Tanaka et al. (US 2001/0048534).

The rejections are respectfully traversed.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention such that the identically claimed invention is placed into possession of one having ordinary skill in the art. ***Helifix Ltd. v. Blok-Lok, Ltd.***, 208 F.3d 1339, 200 U.S. App. LEXIS 6300, 54 USPQ2d 1299 (Fed. Cir. 2000); ***Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.,*** 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994).

There are significant differences between the claimed invention and the apparatus and method disclosed by Tanaka et al. that scotch the factual determination that Tanaka et al. identically describes the claimed inventions within.

Claim 1 requires, *inter alia*:

> identifying file generating means for generating, in the transmission origin storage system, an identifying file having a unique structure used to identify the transmission origin, in addition to the file to be transmitted, on the basis of a folder structure pre-standardized between the transmission origin apparatus and a transmission destination apparatus.

The present application is concerned with making it possible to easily recognize that files stored in diverse apparatus are stored based on the same system so that files can be copied from one of the diverse apparatus to another of the diverse apparatus without a complicated system. The manner in which this is done is to have the memory/storage device of the diverse apparatus have a standardized folder structure for storing. When the folder structure in a transmission origin apparatus matches that of the transmission destination apparatus, an identifying file (file 45 in the present application) in the folder structure is detected and analyzed by software (commonly in the diverse apparatus). The identifying file 45 has a unique structure that identifies the transmission origin. When the detected and analyzed file 45 is recognized as the identifying file 45 of the transmission origin, copy software is then activated so that the files, other than the identifying file, can be copied to the memory/storage device of the diverse apparatus. This provides a simple mechanism for storing and copying files among diverse apparatus.

It seems that the Examiner misunderstands what Tanaka et al. discloses. While Tanaka et al. (having the same assignee as the present application) transfers (image) files between diverse apparatus (as does the present invention), the reference is not concerned with the mechanics of how the different diverse apparatus recognize that the files in the diverse apparatus ***are stored based on the same system***. Thus, Tanaka et al. has **NO** disclosure of:

...generating, in the transmission origin storage means, ***an identifying file having a unique structure used to identify the transmission origin***, in addition to the file to be transmitted, ***on the basis of a folder structure pre-standardized between the transmission origin apparatus and a transmission destination apparatus***.

This is the subject matter of the present invention, not Tanaka et al.

Tanaka et al. also does not disclose:

monitoring means for detecting that a folder structure in a transmission origin storage means provided in a transmission origin apparatus matches a folder structure pre-standardized between the transmission origin apparatus and the transmission destination apparatus to identify an identifying file contained in the folder structure and having a unique structure used to identify the transmission origin... – claim 2;

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identifying file generating means for generating, in the transmission origin storage system, an identifying file having a unique structure used to identify the transmission origin, in addition to the file to be transmitted, on the basis of a folder structure pre-standardized between the transmission origin apparatus and a transmission destination apparatus, ...

monitoring means for detecting that a folder structure in a transmission origin storage means provided in a transmission origin apparatus matches a folder structure pre-standardized between the transmission origin apparatus and the transmission destination apparatus to identify an identifying file contained in the folder structure and having a unique structure used to identify the transmission origin... – claim 3; and

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a folder structure detecting step of detecting a folder structure in transmission origin storage means of a transmission origin apparatus to which the file to be transmitted to transmission destination storage means of a transmission destination apparatus is saved;

an identifying file monitoring step of detecting that the folder structure in said transmission origin storage means detected in the folder structure detecting step is one pre-standardized between the transmission origin and the transmission destination to identify an identifying file contained in the folder structure and having a unique structure used to identify the transmission origin... – claim 4

The above argued differences between the claimed apparatus and method vis-à-vis the apparatus and method of Tanaka et al. undermine the factual determination that Tanaka et al. identically describes the claimed inventions within the meaning of 35 U.S.C. § 102. ***Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.,*** 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); ***Kloster Speedsteel AB v. Crucible Inc.,*** 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

Applicants, therefore, submit that the imposed rejection of claims 1-4 under 35 U.S.C. § 102 for lack of novelty as evidenced by Tanaka et al. is not factually or legally viable. Consequently, withdrawal of the rejection of claims 1-4 under 35 U.S.C. § 102(b), as well as the allowance of claims 1-4, is respectfully solicited.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

MRC/EJW/vd:lps

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By _____

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